

09-10

FILED
UNITED STATES DISTRICT COURT CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS
2006 OCT 21 A 2:40

U.S. DISTRICT COURT
DISTRICT OF MASS.

FRED T. VAN DAM,)
Plaintiff)
vs.)
DAVID M. McSWEENEY, TRUSTEE) Docket No. 04-12654-RGS
of MC REALTY TRUST,)
ROCKLAND LEASE FUNDING CORP.,)
UNITED STATES OF AMERICA, and)
GENERAL ELECTRIC COMMERCIAL)
EQUIPMENT FINANCING,)
Defendants)

)

**MOTION OF DAVID M. McSWEENEY,
TRUSTEE TO REOPEN CASE AND
FOR RELEASE OF ESCROWED FUNDS**

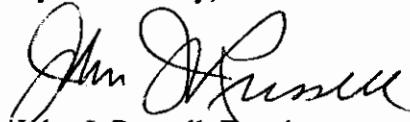
Now comes the Defendant David M. McSweeney, Trustee of MC Realty Trust (“McSweeney”), and hereby moves that this Court order that case be reopened for the limited purpose of disbursement of the balance of funds held on deposit by the Clerk of this Court, and that said funds be released to McSweeney.

In support of the foregoing, McSweeney asserts that the above action is an action in interpleader to determine the appropriate disposition of surplus funds resulting from a foreclosure auction sale by the plaintiff. Said funds were deposited with the Court on March 14, 2005, and, since that date, all parties having an interest in the escrowed funds

have acknowledged satisfaction of their claims to the funds or have disclaimed an interest in said funds..

Therefore, McSweeney hereby requests that the Court order the release of said funds to him.

By his attorney,



John J. Russell, Esquire
15 Court Square
Suite 1150
Boston, MA 02108
(617) 720-1640
Fax: (617) 742-8636
Email: jrussellaw@aol.com

Dated: October 19, 2006